REMARKS

Claims 1-35 and 48-50 have been cancelled without prejudice to the filing of continuing application. Applicants note that the Action, in various places, incorrectly identified the elected claims. See page 2, first paragraph, and pages 2 (second full paragraph) and 4 (first full paragraph). The claims that are pending and stand rejected are claims 36-47.

In the specification at page 2, Applicants have inserted the correct priority information for this application.

The claims stand rejected as being obvious under 35 U.S.C. § 103(a) in view of U.S. Patent No. 6,444,666 (Ladduwahetty et al.) alone and separately in view of published International Application WO9819165A1 (Jensen) in combination with the abstract of Brain Res., 463(1) 28-36 (Calogero et al., 1988).

The Ladduwahetty reference is concerned with providing compounds for the treatment of various disorders of the central nervous system. Listed among the disorders in Ladduwahetty are anxiety disorders and depressive disorders. The Ladduwahetty patent mentions properties that are desired of anxiolytics, arguably suggesting an assay for such compounds. However, there is nothing in the cited references, or the prior art as a whole, that suggests that an assay for anxiolytic compounds would also identify antidepressants. The necessary connection between anxiolytics and antidepressants is simply not in the art.

The Ladduwahetty patent does not teach selectivity (alpha2/alpha3 subunits versus alpha1 subunit) in the context of depression. The passage found in the patent at column 2, lines 10-26, is a discussion of desired properties for anxiolytics and does not refer in any way to depression. The reference to depression on line 37 occurs in a paragraph describing uses for "the compounds of the present invention." The quoted phrase is defined in the patent at column 3, lines 3-18, to encompass compounds with the selectivity described in the paragraph in column 2, at lines 10-26, as well as compounds that do not display such selectivity. The reference simply does not provide the reader with enough information to conclude that selective activation of certain subunits will result in antidepressant activity in addition to anxiolytic activity. Quite the contrary, the reference seems to suggest that something other than selective activation of these subunits accounts for antidepressant activity. Ladduwahetty at column 3, lines 12-18. Thus, Ladduwahetty fails to disclose or suggest the principle that selective activation of alpha2 or alpha3 receptor subunits will result in antidepressant effects with minimal sedation or cognitive impairment. As a result, the claimed assay cannot be considered obvious in view of Ladduwahetty. Reconsideration and withdrawal of the § 103(a) rejection based on Ladduwahetty is respectfully requested.

The Jensen publication, taken alone or in combination with the Calogero abstract, does not render the claims obvious. Similar to Ladduwahetty, the Jensen reference is directed to anxiolytics and is specifically concerned with methods for identifying benzodiazepine receptor ligands with selective anxiolytic properties. Jensen et al., page 3, lines 16-17. There is nothing in Jensen that suggests how to identify antidepressant compounds or that the disclosed methods would also be useful in identifying such compounds.

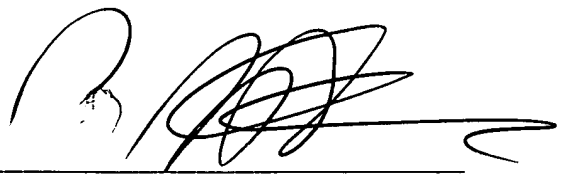
The Office recognizes that anxiety, which is treated with anxiolytics, and depression, which is treated with antidepressants, are distinct disorders. Office Action, page 4, third full paragraph. At the same time, the Office argues that Calogero overcomes the deficiency in Jensen by teaching that there is substantial overlap with regard to the compounds that are useful for the treatment of anxiety and depression and refers to the Calogero abstract. Calogero itself refutes this position and is therefore insufficient to overcome the deficiency in Jensen.

Although there may be overlap between the treatment of anxiety and depression, at least some drugs for treating anxiety are not suitable for treating depression. The Colagero abstract states that "drugs acting through the gamma-aminobutyric acid/benzodiazepine (GABA/BZD) receptor system have anxiolytic

and/or antidepressant properties" - this statement makes abundantly clear that at least some drugs have only one of those properties. Consequently, there is nothing in Calogero that suggests that an assay for anxiolytic compounds would also identify antidepressants. The necessary connection between anxiolytics and antidepressants is lacking. Thus, a combination of Jensen and Calogero does not teach or suggest that the claimed assays would identify compounds with antidepressant properties. Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection based on Jensen and Colagero.

The Applicants urge the Examiner to contact the Applicants' undersigned representative at (312) 913-2114 he believes that a discussion would expedite prosecution of this application.

Respectfully submitted,



Dated: April 28, 2005 By: _____

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